

**United States of America**

**v.**

**Tyreese D. Pugh**

**or...**

*Good enough for government  
work.*

REASONABLE DOUBT

Reasonable doubt is a doubt based on reason and common sense. It may arise from the evidence, the lack of evidence, or the nature of the evidence. Possible doubts or doubts based purely on speculation are not reasonable doubts. Proof beyond a reasonable doubt means proof that is so convincing that you would not hesitate to rely and act on it in making the most important decisions in you own lives.

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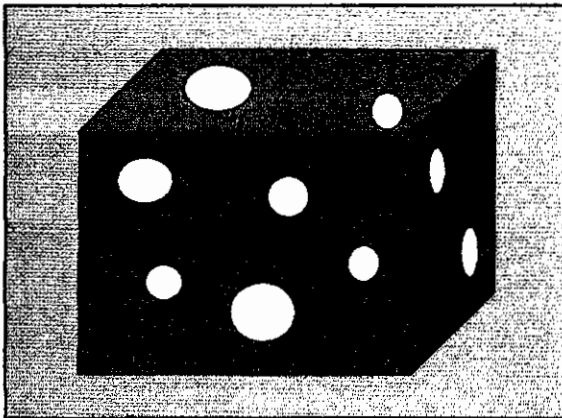
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### No Credibility

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### Credibility

**ALL OR PART** – It is up to you to decide if a witness' testimony was believable and how much weight you think it deserves. You free to believe everything that a witness said, or only part of it, or none at all.

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## Credibility

Things to Consider:

- Memory: accuracy, passage of time
- Interference with ability to perceive
- Appearance while testifying
- Relationship to the Government
- Inconsistencies
- Compared to other evidence
- Character

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## Stephanie Luster

- Unable to remember specifics, so no one can check her story.
- Leaves her children somewhere in GA.
- Never questions anything about the trip.
- 3 stmts, no tape, 1 signed.
- The "Lost" four days.

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**Calendar for April 2002 (United States)**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

**Calendar for May 2002 (United States)**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Calendar generated on [www.timeanddate.com/calendar](http://www.timeanddate.com/calendar)

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### Stephanie Luster

- Withheld information from police on 5-3-02, 5 days to think before stmt of 5-8-02.
- Hotel check-in ???
- Regular smoking of marijuana, stopped briefly.
- Loses Tyreese to rival Ra-Shay Patterson.
- Taken out of room before TP moved from bed – Wittach.

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### Shanell Holston

- Question of Character  
Is she an "honest person."
  - **dis·hon·est** (d<sup>1</sup>s-<sup>1</sup>/<sub>4</sub>n<sup>1</sup>st) *adj.* 1. Disposed to lie, cheat, defraud, or deceive. 2. Resulting from or marked by a lack of honesty. -- **dis·hon<sup>1</sup>est·ly** *adv.*
- *American Heritage Dictionary, 3rd Edition-Electronic*

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### Shanell Holston

- No money found in search of Wincanton house despite ongoing surveillance.
- Asked to bring clothes to Wincanton.
- Never mentions Tyreese regarding robbery.

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**No Credibility**

**No Corroboration**

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**No Corroboration:  
Det. James Calhoun**

- Does not remember what he said from one day to the next.
  - Disregard of Trotwood after search of Cadillac.
- No attempted ID of guns by bank emp.
- No taped statements due to \$\$\$.
- Left Bessie Pew car unattended.
- No lab testing of recovered glove portion.
- No follow up with Trotwood P.D. on stolen car.
  - Never learns of license plate in rear window.

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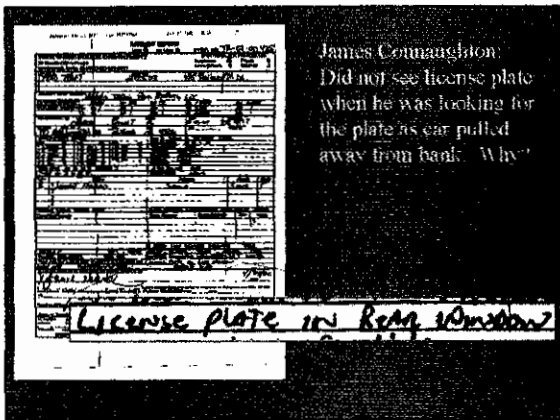
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**No Corroboration:  
Det. James Calhoun**

- No use of Ga. Law enforcement to corroborate S. Luster.
- Teaches report writing and importance of words.
  - Bessie Pew: "looks like" does not mean "it is"
- No contact with S. Luster Ga. relatives.
- Never contacted S. Lusters in Ga where she left them.
- No corroboration of Travelodge, Videostore, or Business card contact.

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**No Corroboration:  
Det. James Calhoun**

- No location of broken down Mazda.
- No follow-up on Trotwood fingerprints.
- Waits over 3 years to run list of stolen cars.
- No one ID's T.P. as one of the robbers.

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**No Corroboration:  
Det. James Calhoun**

- No follow-up on shoe-print, even though Det. Cifuentes had submitted shoe prints to MVRCL prior to 4-24-02.
- Never listened to BP car while running for loud muffler.
- Incomplete Case Notes.
  - No record of contact w/ Travelodge.
  - No record of Mazda GPS contact.
  - No record of 5-3-02 interview w/ S. Luster.
- Never attempted I.D. of T.P. by bank employees after 5-3-02 arrest.

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/OH0570000  
 OH0570000 078 2002/04/24 15:35:40  
 aFROM NCIC  
 OH0570000  
 MAKE/STOLEN VEHICLE  
 ORI/OH0570000 LIC/AK13ET LIS/BH LIY/2002 LIT/PC  
 VIN/1G3CW6931F4380995 UYR/1985  
 VMA/BLDS UMO/98 VST/40 VCD/MAR DOT/20020424  
 DCA/TK024259  
 MTS/OH0571200  
 NIC/4043477539 DTE/20020424 1538 EDT  
 ORI IS MONTGOMERY CO 60 DAYTON 937 225-4357




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/OHADJCN57, OH0570000  
 OH0570000 078 2002/04/24 15:35:40  
 AFROM INDIC  
 OH0570003

MKE/STOLEN VEHICLE  
 ORI/0H0570000 LIC/AK13ET LIS/0H LIY/2002 LIT/PC  
 VIN/1G3CW6931F4380995 VYR/1985  
 UMA/0LDS VMD/98 VST/40 VCD/MAR DOT/20020424  
 OCA/YR024259  
 MIA/0H0571000  
 NIC/0H05477539 DTE/20020424 1532 EDT  
 ORI IS MONTGOMERY CO SD DAYTON 937 225-4357

FROM: WILTON CITY PD  
 RE: 00247  
 RE: ARMED ROBBERY IN OUR CITY

RE ADVISED WE HAD AN ARMED ROBBERY AT MONROV, 1425 W 10TH AVE AS FIRST MET  
 WILSON PARK DRIVE. SUSPECTS DESCRIBED AT 11 AND WEARING BURKIN. WE  
 D BUSTIN PARK DRIVE. WE HAD 2 CAR. MONROV MALE. MONROV PARK. 21 AND 22  
 DIED. LONG ELEVATE SHOT ON JACKET. BAIL. CAP. SHOTGUN. 21 AND 22 COLORS. RE  
 WE HAD 2 CAR. MONROV PARK. WE HAD 2 CAR. MONROV PARK. WE HAD 2 CAR. MONROV PARK.  
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THANKS FOR ANY ASSISTANCE.  
 AUTH: WILTON CITY PD 00247 1617 HBS 04/068  
 MESSAGE ROUTED TO: OHADJCN57

### No Corroboration: Det. James Calhoun

- No attempt to get pay-phone records, b/c long, drawn-out process.
- No follow up on long distance telephone records.
- No follow up on cell phone records or ownership of recovered.
- Of 100 cars stolen 4-23 to 4-24 in Oh, Ky, and In., only one fit description of robbery suspects and close enough to be involved.

**No Credibility**

**No Corroboration**

**No Connection**

### No Connection: Case Entirely Circumstantial

- No ID of Tyreese as robber.
- No money recovered.
- No credible sighting of money.
- No "robber" clothing.
- No shoes of Tyreese consistent with shoe print.
- Only Stephanie Luster puts Tyreese in TN and GA.
- Only Stephanie Luster puts Tyreese making any statement or action suggesting involvement and she contradicts Gov.t Exh. 4.1

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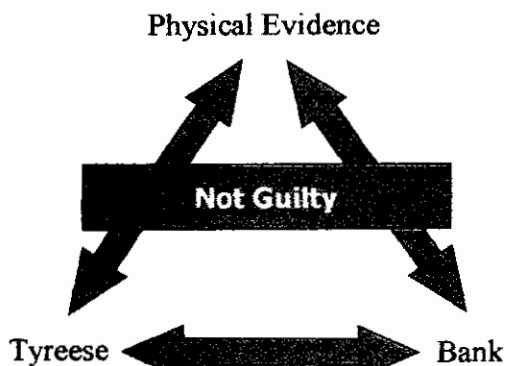
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### Area of Reasonable Doubt

- Would you rely on Stephanie Luster in the most important of your daily affairs? No follow-up, follow-through, or diligence of Calhoun.
- No physical connection of Tyreese to this crime.
- Despite tape conversation with Shanell, no money recovered from Wincanton.

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**A VERDICT OF NOT  
GUILTY INCLUDES:**

- ❖ Based upon the evidence, we the Jury find that the defendant is **absolutely 100%** innocent.
- ❖ Based upon the evidence, we the Jury cannot be **absolutely sure** that the defendant is innocent.
- ❖ Based upon the evidence presented, we the jury are **confident** that the defendant is innocent.

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**A VERDICT OF NOT  
GUILTY INCLUDES:**

- ❖ Based upon the evidence presented, we the Jury believe that the defendant is **probably innocent**.
- ❖ Based upon the evidence presented, we the Jury are **not really sure one way or the other** if the defendant is guilty or innocent.
- ❖ Based upon the evidence, we the Jury believe it is **more likely than not** that the defendant is guilty.

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**A VERDICT OF NOT  
GUILTY INCLUDES:**

- ❖ Based upon the evidence presented, we the Jury believe that the defendant is **probably guilty**.
- ❖ We the Jury believe that the defendant is guilty but the **evidence falls a little short** and we **cannot find** that the defendant is guilty **beyond a reasonable doubt**.

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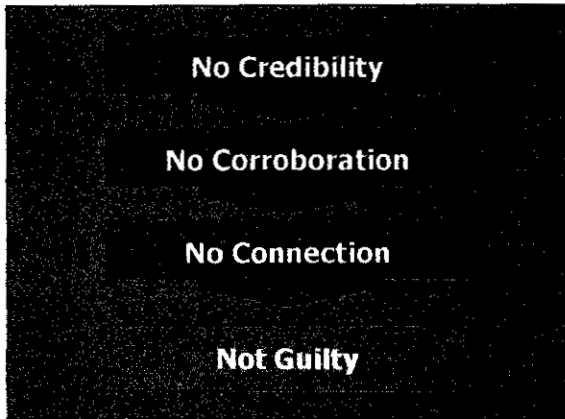
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